REMARKS

I.   Introduction

In response to the Office Action dated March 9, 2006, the claims have not been amended. Claims 1, 3-11, 13-15, 17-25, 27-29, 31-39, and 41-43, 45, 47, 49, 51, 53, and 55-60 remain in the application. Re-examination and re-consideration of the application is requested.

II.   Prior Art Rejections

In paragraphs (2)-(4) of the Office Action, claims 1, 3-11, 13-15, 17-25, 27-29, 31-39, 41-43, 45, 47, 49, 51, 53, and 55-60 were rejected under 35 U.S.C. §103(a) as being unpatentable over Aravamudan et al. (Aravamudan), U.S. Patent No. 6,301,609, in view of Schmidt, U.S. Patent No. 6,208,872.

Specifically, claims 1, 11, 15, 25, 29, and 39 were rejected as follows:

> As to claim 1, Aravamudan teaches a method for enabling cellular instant messaging comprising (fig. 1):
> receiving in a cellular network, a telemetry message from first cellular phone wherein the telemetry message a remote feature activation message and indicates the availability on a cellular network of the first cellular phone and wherein the remote feature activation message is interpreted by the cellular network (receiving notification of the user's presence online) (col. 10, lines 2-10);
> in response to receiving the telemetry message, wherein the information comprises a buddy list (col. 4, lines 30-45, col. 6, lines 10-30, col. 9, lines 55-65); and transmitting a browser alert to one or more relevant buddies identified in the buddy list (col. 7, lines 1-40, col. 8, lines 35-45, col. 8, line 60-col. 9, line 25). Aravamudan teaches the CPE device that a user is utilizing a packet device, then the packet address to which the CPE device is attached is provided. The IM server then notifies the CSP of the user's online presence and address, in accordance with step 236. The IM server also notifies selected buddies to the user of the users presence online, which CPE device the user is utilizing to access the network, and the address to which the CPE device is attached and notification received, the CSP updates the CSP database to indicate that the user is online, which CPE device the user is utilizing to access the network, and the address to which the CPE device is attached and held in abeyance during that time period for which the user had been off-line or inactive. The user's real presence is therefore advertised to others who have identified the user as a buddy. However, when the user is off-line, all others who have identified the user as a buddy are notified that the user is not online and is not available. Aravamudan does not teach as a roaming cellular phone desiring to activate/deactivate a feature.
> In an analogous art, Schmidt teaches as a roaming cellular phone desiring to activate/deactivate a feature 9col. 8, lines 1-10, col. 9, lines 41-59). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Aravamudan by specifically adding roaming feature in order to enhance system performance, enables to provide service transparency for mobile permitted to place a call number while roaming as taught by Schmidt.

> As to claim 11, Aravamudan teaches a method for enabling cellular instant messaging comprising (fig. 1):

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transmitting, from a first cellular phone, a telemetry message comprising a remote feature activation message wherein telemetry message indicates the first cellular phone's availability on a cellular network (col. 6, lines 10-45, col. 7, line 15-col. 8, line 4, col. 9, lines 55-65);

receiving a browser alert, on the first cellular phone, indicating the availability of buddies on a buddy list of the first cellular phone (col. 7, lines 1-40, col. 8, lines 35-45, col. 8, line 60-col. 9, line 25). Aravamudan teaches the CPE device that a user is utilizing a packet device, then the packet address to which the CPE device is attached is provided. The IM server then notifies the CSP of the user's online presence and address in accordance with step 236. The IM server also notifies selected buddies to the user of the users presence online. In step 238, the CSP updates the CSP database to indicate that the user is online, which CPE device the user is utilizing to access the network, and the address to which the CPE device is attached and notification received, the CSP updates the CSP database to indicate that the user is online, which CPE device the user is utilizing to access the network, and the address to which the CPE device is attached and held in abeyance during that time period for which the user had been off-line or inactive. The user's real presence is therefore advertised to others who have identified the user as a buddy. However, when the user is off-line, all others who have identified the user as a buddy are notified that the user is not online and is not available. Aravamudan does not teach as a roaming cellular phone desiring to activate/deactivate a feature.

In an analogous art, Schmidt teaches as a roaming cellular phone desiring to activate/deactivate a feature (col. 8, lines 1-10, col. 9, lines 41-59). Therefore, it would have been obvious to one or ordinary skill in the art at the time the invention was made to modify the device of Aravamudan by specifically adding roaming feature in order to enhance system performance, enables to provide service transparency for mobile permitted to place a call number while roaming as taught by Schmidt.

As to claim 15, Aravamudan teaches a system for enabling cellular instant messaging comprising (fig.s 1-9):

an instant messaging database configured to maintain information regarding a first cellular phone, wherein the information comprises a buddy list (col. 4, lines 30-45, col. 6, lines 10-30, col. 9, lines 55-65);

a cellular network; and a server configured to:

receive a telemetry message comprising a remote feature activation message from a cellular phone on the cellular network (col. 7, line 15-col. 8, line 4); and transmit a browser alert to one or more relevant buddies identified in the buddy list (col. 7, lines 1-40, col. 8 lines 35-45, col. 8, line 60-col. 9, line 25). Aravamudan teaches the CPE device that a user is utilizing a packet device, then the packet address to which the CPE device is attached is provided. The IM server then notifies the CSP of the user's online presence and address, in accordance with step 236. The IM server also notifies selected buddies to the user of the users presence online. In step 238, the CSP updates the CSP database to indicate that the user is online, which CPE device the user is utilizing to access the network, and the address to which the CPE device is attached and notification received, the CSP updates the CSP database to indicate that the user is online, which CPE device the user is utilizing to access the network, and the address to which the CPE device is attached and held in abeyance during that time period for which the user had been off-line or inactive. The user's real presence is therefore advertised to others who have identified the user as a buddy. However, when the user is off-line, all others who have identified the user as a buddy are notified that the user is not online and is not available. Aravamudan does not teach as a roaming cellular phone desiring to activate/deactivate a feature.

In an analogous art, Schmidt teaches as a roaming cellular phone desiring to activate/deactivate a feature (col. 8, lines 1-10, col. 9, lines 41-59). Therefore, it would have been obvious to one or ordinary skill in the art at the time the invention was made to modify the device of Aravamudan specifically adding roaming feature in order to enhance system performance, enables to provide service transparency for mobile permitted to place a call number while roaming as taught by Schmidt.

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As to claim 25, Aravamudan teaches a system for enabling cellular instant messaging comprising a first cellular phone configured to (fig. 1):

transmit a telemetry message comprising a remote feature activation message wherein telemetry message indicates the first cellular phone's availability on a cellular network (col. 6, lines 10-45, col. 7, line 15-col. 8, line 4, col. 9, lines 55-65);

receive a browser alert indicating availability of buddies on a buddy list of the first cellular phone (col. 4, lines 30-45, col. 6, lines 10-30, col. 9, lines 55-65). Aravamudan teaches the CPE device that a user is utilizing a packet device, then the packet address to which the CPE device is attached is provided. The IM server then notifies the CSP of the user's online presence and address, in accordance with step 236. The IM server also notifies selected buddies to the user of the users presence online. In step 238, the CSP updates the CSP database to indicate that the user is online, which CPE device the user is utilizing to access the network, and the address to which the CPE device is attached and notification received, the CSP updates the CSP database to indicate that the user is online, which CEP device the user is utilizing to access the network, and the address to which the CPE device is attached and held in abeyance during that time period for which the user had been off-line or inactive. The user's real presence is therefore advertised to others who have identified the user as a buddy. However, when the user is off-line, all others who have identified the user as a buddy are notified that the user is not online and is not available. Aravamudan does not teach as a roaming cellular phone desiring to activate/deactivate a feature.

In an analogous art, Schmidt teaches as a roaming cellular phone desiring to activate/deactivate a feature (col. 8, lines 1-10, col. 9, lines 41-59). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Aravamudan specifically adding roaming feature in order to enhance system performance, enables to provide service transparency for mobile permitted to place a call number while roaming as taught by Schmidt.

As to claim 29, Aravamudan teaches an article of manufacture comprising a program storage medium readable by a computer hardware device and embodying one or more instructions executable by the computer hardware device to perform a method for enabling cellular instant messaging, the method comprising (abstract):

receiving a telemetry message comprising a remote feature activation message wherein telemetry message indicates the availability on a cellular network of a first cellular phone (col. 7, line 15-col. 8, line 4);

storing information regarding the first cellular phone in an instant messaging database, wherein the information comprises a buddy list (col. 4, lines 30-45, col. 6, lines 10-30, col. 9, lines 55-65; and

transmitting a browser alert to one or more relevant buddies identified in the buddy list (col. 4, lines 30-45, col. 6, lines 10-30, col. 9, lines 55-65). Aravamudan teaches the CPE device that a user is utilizing a packet device, then the packet address to which the CPE device is attached is provided. The IM server then notifies the CSP of the user's online presence and address, in accordance with step 236. The IM server also notifies selected buddies to the user of the users presence online. In step 238, the CSP updates the CSP database to indicate that the user is online, which CPE device the user is utilizing to access the network, and the address to which the CPE device is attached and notification received, the CSP updates the CSP database to indicate that the user is online, which CPE device the user is utilizing to access the network, and the address to which the CPE device is attached and held in abeyance during that time period for which the user had been off-line or inactive. The user's real presence is therefore advertised to others who have identified the user as a buddy. However, when the user is off-line, all others who have identified the user as a buddy are notified that the user is not online and is not available. Aravamudan does not teach as a roaming cellular phone desiring to activate/deactivate a feature.

In an analogous art, Schmidt teaches as a roaming cellular phone desiring to activate/deactivate a feature (col. 8, lines 1-10, col. 9, lines 41-59). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of

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Aravamudan specifically adding roaming feature in order to enhance system performance, enables to provide service transparency for mobile permitted to place a call number while roaming as taught by Schmidt.

As to claim 39, Aravamudan teaches an article of manufacture comprising a program storage medium readable by a computer hardware device and embodying one or more instructions executable by the computer hardware device to perform a method for enabling cellular instant messaging, the method comprising (abstract):

transmitting, from a first cellular phone, a telemetry message comprising a remote feature activation message wherein telemetry message indicates the first cellular phone's availability on a cellular network (col. 6, lines 10-45, col. 7, line 15-col. 8, line 4, col. 9, lines 55-65);

receiving a browser alert, on the first cellular phone, indicating availability of buddies on a buddy list of the first cellular phone (col. 7, lines 1-40, col. 8, lines 34-45, col. 8, line 60-col. 9, line 25). Aravamudan teaches the CPE device that a user is utilizing a packet device, then the packet address to which the CPE device is attached is provided. The IM server then notifies the CSP of the user's online presence and address, in accordance with step 236. The IM server also notifies selected buddies to the user of the users presence online. In step 238, the CSP updates the CSP database to indicate that the user is online, which CPE device the user is utilizing to access the network, and the address to which the CPE device is attached and notification received, the CSP updates the CSP database to indicate that the user is online, which CPE device the user is utilizing to access the network, and the address to which the CPE device is attached and held in abeyance during that time period for which the user had been off-line or inactive. The user's real presence is therefore advertised to others who have identified the user as a buddy. However, when the user is off-line, all others who have identified the user as a buddy are notified that the user is not online and is not available. Aravamudan does not teach as a roaming cellular phone desiring to activate/deactivate a feature.

In an analogous art, Schmidt teaches as a roaming cellular phone desiring to activate/deactivate a feature (col. 8, lines 1-10, col. 9, lines 41-59). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Aravamudan specifically adding roaming feature in order to enhance system performance, enables to provide service transparency for mobile permitted to place a call number while roaming as taught by Schmidt.

Applicant traverses the above rejections for one or more of the following reasons:

(1)   Neither Aravamudan nor Schmidt teach, disclose or suggest using a remote feature activation message to initiate or utilize an instant messaging system, or as part of an instant messaging system; and

(2)   Neither Aravamudan nor Schmidt teach, disclose or suggest a remote feature activation message sent by a cellular phone that is interpreted by a cellular network as a roaming phone desiring to activate/deactivate a feature, which is used to store information utilized in an instant messaging application.

Independent claims 1, 11, 15, 25, 29, and 39 are generally directed to an invention that enables cellular phone instant messaging. The amended independent claims provide for a telemetry message that is in the form of a remote feature activation message. The remote feature activation

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message is transmitted from the cellular phone. Further, remote feature activation messages are specific types of messages as described in the application on page 8, line 10-page 9, line 4. The specific types/forms of remote feature activation messages are also specifically claimed limitations for the independent claims. In this regard, the remote feature activation message is interpreted by the cellular network as a roaming cellular phone desiring to activate/deactivate a feature. However, instead of activating/deactivating a feature, the message is used to store information (e.g., a buddy list) regarding the cellular phone in an instant messaging database transmitting a browser alert to buddies in the buddy list. Thus, the cellular network enables the instant messaging by interpreting the telemetry message as a remote feature activation message.

It should also be noted that dependent claims 55-60 provide that the cellular network routes the remote feature activation message to the cellular phone's home cellular network. Such routing enables an instant messaging application on the cellular phone's home network to provide for the instant messaging.

Additional dependent claims set forth limitations regarding the telemetry message including that the message may be data encoded in a dialed digits field of a message. As described in the specification, such a message may be in the form of a fictitious area code preceded by the star character (*). The message is interpreted by the cellular network as identifying a roaming cellular phone that desires to activate/deactivate a feature (e.g., call forwarding, call waiting, etc.). Accordingly, the message is transmitted to the cellular phone's home cellular network. The home cellular network interprets the message as being available on a cellular network for purposes of instant messaging. Thus, the remote feature activation message for use in instant messaging is handled by the cellular network similar to standard remote feature activation messages. Yet the remote feature activation of the present invention enables cellular instant messaging.

In view of the above, Applicants note that a significant advantage of the present invention that is set forth in the claims is the use of the remote feature activation message to enable the cellular instant messaging. In this regard, in response to the receipt of the remote feature activation message (as part of the telemetry message), information for instant messaging is stored in a database and used to transmit information to buddies in a instant messaging buddy list. The unique ability to use remote feature activation messages to enable instant messaging is not even remotely disclosed in any of the cited references.

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Aravamudan merely describes a unified messaging solution and services platform that utilizes the features and capabilities associated with instant messaging to locate a registered user, query the user for a proposed message disposition, and coordinate services among a plurality of communication devices, modes, and channels. A user proxy is registered to the user as a personal communication services platform. The user is able to define various rules for responding to received data and communications, the rules stored within a rules database servicing the communication services platform. Instant messaging is used for communications between the user and the communication services platform's user proxy (see Abstract).

However, as admitted in the Office Action, Aravamudan fails to teach the interpretation of the remote feature activation message as a roaming cellular phone desiring to activate/deactivate a feature. To teach this aspect of the prior dependent claims, the Office Action relies on Schmidt. Specifically, the Office Action submits that Schmidt teaches a roaming cellular phone desiring to activate/deactivate a feature (col. 8, lines 1-10, col. 9, lines 41-59). Col. 7, line 64-col. 8, line 10 provides:

> If the determinator 40 determines that the current system ID number does not match the home system ID number, i.e., the mobile station 28 is not in its home system and is roaming, then the determinator 42 determines the state of the ROEF (e.g., ROEF-2) for that particular group phone number. If the determinator 42 determines, at block 88, that ROEF-2 is in state "1" permitting calls to Group No. 2 while roaming, the group call is routed to the MSC (block 90) and is conventionally routed to the various members in the group via the GCS 24. If the determinator 42 determines, at block 88, that the ROEF-2 is in state "0" prohibiting calls to Group No. 2 while roaming, the processor 54 blocks the call and activates the call forbidden indicator 38 to inform the user that the call is forbidden while roaming (block 92).

Col. 9, lines 41-59 provides:

> If the call is determined to be a group call at block 120, then the determinator 52 determines if the mobile station 28 is permitted to receive that particular group call while roaming (block 130) by determining the state of the RREF for that particular group phone number. If it is determined that the RREF is disabled (at block 130), prohibiting the receipt of calls from that particular group phone number while the mobile station 28 is roaming, a page rejection message is sent to the MSC (block 124) and the call request to the mobile station 28 is terminated. If it is determined that the RREF is enabled (at block 130), indicating that the mobile station 28 is permitted to receive calls from that particular group phone number while roaming, a page accept message is sent to the MSC 18 via acceptor 44 and the user is notified of the incoming page via the call indicator 46 (block 112). Depending on whether the user answers the call (block 114), they are either included (block 116) or not included (block 118) in the conference call bridge.

As can be seen from this text, Schmidt merely describes the ability to prohibit calls while the user is roaming. Applicants note that the claims are not merely directed towards a roaming cellular

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phone. In this regard, the ability for a phone to be in roaming mode is not claimed. Instead, the claims specifically and explicitly provide that a remote feature activation message, the same message that is used to indicate availability on a cellular network, is interpreted by the cellular network as a roaming cellular phone desiring to activate/deactivate a feature.

In addition, it is noted that the cellular phone in Schmidt is not attempting to activate or deactivate a feature. Instead, the cellular phone in Schmidt is merely attempting to make a phone call. Schmidt's system then determines whether the call is authorized or not (i.e., since the user is roaming). However, the concept of activating or deactivating a feature or a cellular network interpreting a message as such an activation/deactivation is not even remotely considered in either Schmidt or Aravamudan.

Applicants further submit that even if Schmidt were combined with Aravamudan, the present invention would not result. In this regard, merely adding the ability to restrict a roaming call from making a call (in accordance with Schmidt) to Aravamudan's instant messaging does not even remotely teach the present invention. Instead, the combination would provide for instant messaging and the ability to prevent a roaming user from making calls. Again, the present invention provides a unique combination wherein a remote feature activation message that indicates availability on the cellular network is interpreted by a roaming cellular network as the roaming phone user desiring to activate/deactivate a feature. Since the message output by the cellular phone is interpreted in such a manner, existing cellular networks do not need to be modified to accommodate the invention's instant messaging. Such a capability provide a unique and substantive advantage over the prior art (including the cited references that completely fail to teach these aspects of the invention).

In view of the above, Applicants submit that Schmidt clearly fails to teach, disclose, suggest, or allude to a remote feature activation message in any way, shape, or form. Instead, Schmidt is merely directed towards blocking calls for cellular phones and not a cellular phone sending a message that is interpreted by the cellular network as a remote phone attempting to activate/deactivate a feature (as claimed).

In addition, Applicants submit that the claims and their steps must be viewed as a whole and how the steps interrelate to each other. While Applicants submit that one cannot show non-obviousness by attacking references individually where the rejections are based on combinations of references, the claimed invention must be examined as a whole and whether the "whole" claimed

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invention would have been obvious at the time of invention (see MPEP §2142). In addition, under MPEP §706.02(j) "there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings."

Accordingly, the various claims elements must be viewed together as a whole. Specifically, with reference to claim 1, the first step provides for receiving the telemetry message in a cellular network from a cellular phone. Further, the telemetry message is interpreted as a remote feature activation message such that the cellular network views the cellular phone as a roaming phone desiring to activate/deactivate a feature. In response to the message, information for the instant messaging is stored in a database and then used to transmit information to buddies identified in a buddy list. Thus, the unique combination of the elements provides for using the telemetry message and remote feature activation message to enable instant messaging. Such a claim limitation is not even remotely hinted at by the references, either alone or in combination. In this regard, even assuming that Schmidt teaches the roaming cellular phone aspect of the claims (which Applicants traverse as described above), Schmidt still fails to teach the use of such a remote feature activation message as part of an instant messaging application or to enable an instant messaging application. Aravamudan also fails to suggest such a combination. In fact, there is no hint, suggestion, or motivation to combine Aravamudan with Schmidt to provide the claim limitations or the results as set forth in the claims.

The MPEP provides that there must be a suggestion or motivation to modify the references to produce the claim limitations. There is no suggestion or motivation to combine the references as asserted in the Office Action. The motivation cited in the Office Action is to enhance system performance and to provide service transparency for a mobile permitted to place a call number while roaming. All systems and programs desire to enhance system performance. Further, it may be desirable for a mobile to place a call while roaming with service transparency. However, such broad desires do not and cannot rise to the level of motivation required in the MPEP for combining Aravamudan with Schmidt as asserted in the Office Action. In this regard, there is no motivation to combine the roaming aspects of Schmidt with the instant messaging of Aravamudan. Further, the combined result still fails to teach the invention as claimed.

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Moreover, the various elements of Applicant's claimed invention together provide operational advantages over Aravamudan and Schmidt. In addition, Applicant's invention solves problems not recognized by Aravamudan and Schmidt.

Thus, Applicant submits that independent claims 1, 11, 15, 25, 29, and 39 are allowable over Aravamudan and Schmidt. Further, dependent claims 3-10, 13, 14, 17-24, 27, 28, 31-38, 41-43, 45, 47, 49, 51, 53, and 55-60 are submitted to be allowable over Aravamudan and Schmidt in the same manner, because they are dependent on independent claims 1, 11, 15, 25, 29, and 39, respectively, and thus contain all the limitations of the independent claims. In addition, dependent claims 3-10, 13, 14, 17-24, 27, 28, 31-38, 41-43, 45, 47, 49, 51, 53, and 55-60 recite additional novel elements not shown by Aravamudan and Schmidt.

III. Conclusion

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicant's undersigned attorney.

Respectfully submitted,

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